

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF OKLAHOMA**

ANTHONY CASTILLO SANCHEZ,)	
)	
Petitioner,)	
)	
vs.)	CIV-10-1171-HE
)	
RANDALL WORKMAN, Warden,)	
Oklahoma State Penitentiary,)	
)	
Respondent.)	

**PETITIONER'S MOTION FOR
THE APPOINTMENT OF AN INVESTIGATOR AND BRIEF IN SUPPORT**

Anthony Sanchez, through counsel, moves that an investigator be appointed to assist counsel in developing several of the issues to be presented in Mr. Sanchez's petition for writ of habeas corpus. Mr. Sanchez is a death-sentenced inmate incarcerated at the Oklahoma State Penitentiary in McAlester, Oklahoma. Having reviewed the record and files in this case and interviewed Mr. Sanchez's stepmother, counsel submits that it is apparent that the record justifies the appointment of an investigator.

The issue requiring investigation is ineffective assistance of trial counsel. In particular, the investigation would be aimed at showing that there is substantial factual support for the claim that trial counsel failed to investigate and adequately present evidence of other suspects and completely abandoned any attempt to demonstrate that Mr. Sanchez may well be actually innocent.

Further, on direct appeal, Mr. Sanchez's prior counsel argued that trial counsel all but conceded Mr. Sanchez's guilt of rape and sodomy and failed to "marshal the evidence" which favored

Mr. Sanchez. *See Sanchez v. State*, 223 P.3d 980, 1011 (Ok. Crim. App. 2009). In addition, trial counsel was faulted for failing to discover and make use of substantial mitigating evidence of Mr. Sanchez's troubled and turbulent family background. To date, these claims have not been fully flushed out and a thorough investigation is necessary to insure that Mr. Sanchez's rights under the 6th, 8th, and 14th Amendments to the United States Constitution are protected.

Identity of Investigator and Estimate of Cost

The defense requests funds in the amount Seven Thousand Dollars (\$7,000.00) to employ investigator Gordon W. Bulla to locate and interview witnesses in support of the claim that trial counsel was ineffective as detailed above. A copy of Mr. Bulla's resume is attached to this motion as Exhibit A. The request is that Mr. Bulla be paid at the rate of Seventy Dollars (\$70.00) per hour for up to one hundred (100) hours of investigative services.

Mr. Bulla is a licensed investigator who offices in Oklahoma City and who has prior experience in capital litigation and investigation. Specifically, Mr. Bulla has experience in investigative work in federal capital habeas corpus cases. Mr. Bulla's hourly rate of \$70 is competitive with the hourly rates of other investigators with capital experience. It is estimated that it will take Mr. Bulla an average of five (5) hours per witness, including locating the witness, traveling to meet the witness, interviewing the witness, and writing a report of the interview.

Authority for Appointment

This Court is authorized to appoint necessary investigative assistance to the petitioner. "Upon a finding that investigative, expert, or other services are reasonably necessary for the representation of the defendant, whether in connection with issues relating to the guilt or sentence, the court may authorize the defendant's attorneys to obtain such services on behalf of the defendant, and if so, shall order the payment of fees and expenses therefor under subsection (g). 18 U.S.C. §

3599(f). *See also* Bracy v. Gramley, 520 U.S. 899 (1997); 21 U.S.C. § 848(q)(4)(b) ([When] seeking to vacate or set aside a death sentence, any defendant who is or becomes financially unable to obtain . . . investigative, expert, or other reasonably necessary services shall be entitled to the . . . furnishing of such . . . services."); accord, McFarland v. Scott, 512 U.S. 894, 114 S.Ct. 2568, 2574 (1994) (O'Connor, J., concurring in part in the judgment) ("[f]or [investigative, expert or related] services to be meaningful in the habeas context, they . . . must be available prior to the filing of the first federal habeas petition").

Conclusion

The appointment of an investigator is warranted under the law and the facts. It is therefore requested that this motion for investigative assistance be granted.

Respectfully submitted.

/s/ Mark Barrett
MARK BARRETT, OBA #557
P.O. Box 896
Norman, OK 73070
405-364-8367; 405-366-8329 (facsimile)
Barrettlawoffice@gmail.com

/s/ Randall Coyne
RANDALL COYNE, MBA 549013
300 Timberdell Road
Norman, OK 73019
405-834-9317; 405-325-0389 (facsimile)
rcoyne@ou.edu
ATTORNEYS FOR PETITIONER

CERTIFICATE OF SERVICE

I hereby certify that on the 23rd day of June, 2011, I electronically transmitted the attached document to the Clerk of Court using the ECF system for filing. Based on the records currently on file, the Clerk of Court will transmit a Notice of Electronic Filing to the following ECF registrant: Jennifer L. Strickland, Assistant Attorney General, whose service email is fhc.docket@oag.state.ok.us

/s/ Mark Barrett
MARK BARRETT

/s/ Randall Coyne
RANDALL COYNE

Exhibit A

CURRICULUM VITAE

GORDON W. BULLA

1. Education

Graduate of Oklahoma City University, BA 1974

Post graduate studies in law and criminal justice, Oklahoma City University (35-40 hours)

2. Licenses

Unarmed Private Investigator's License issued by the State of Oklahoma 10-UPI0953

Private Investigative Agency License – State of Oklahoma 07PIA0042

3. Professional Associations

National Association of Legal Investigators, member since 1978

Oklahoma Private Investigators Association, current member

4. Recent Seminars Attended

2001 "Life in the Balance" death penalty seminar – investigative track

Oklahoma Indigent Defense System – juror interviewing – March, 2001

"Introduction to Murder: From Crime Scene to Appeal" – September, 2005

National Association of Legal Investigators 40th Anniversary Convention – emphasis on Criminal Defense/Negligence Investigations for the Plaintiff, June, 2007

Several local seminars put on by the Oklahoma Private Investigators Association covering a wide variety of topics, 2007-2009

5. Professional Experience

Thirty-six years as a private investigator

Conducted investigations in criminal, civil and corporate matters

Curriculum Vitae

Page 2

Provided investigative services in numerous death penalty cases and federal/state habeas matters –

Marcus L. Cargle v. Ron Ward, Warden, CIV-97-1870-A (W. Dist. of OK)*

Roderick L. Smith v. Gary Gibson, Warden, CIV-98-601E (W. Dist. of OK)*

United States of America v. Carlos Lopez, CR-99-63-C, (W. Dist. of OK)*

Curtis Edward McCarty v. Gary Gibson, Warden, CIV-00-169-C (W. Dist. of OK)*

Paris Powell v. Gary Gibson, Warden, CIV-00-18459-C (W. Dist. of OK)*

James Joseph Fitzgerald v. Mike Mullin, Warden, 2002cv00531 (N. Dist. of OK)*

State of Oklahoma v. Gerardo Valdez, CRF 89-139 (Grady County)

Henry Watkins Skinner v. Douglas Dretke, Dir. TDCJ-CID, 2:99-cv00045 (N. Dist. of TX)

State of Oklahoma v. Daniel Hawke Fears, CF 02-568 (Sequoyah County)

State of Oklahoma v. Brenda Evers Andrew, CF 01-6189 (Oklahoma County)

State of Texas v. Michael James Perry, 02-01-00320-CR (Montgomery County, TX)

Michael Allen Browning v. Marty Sirmons, Warden, 07-CV-16-TCJ-PJC (N. Dist. of Oklahoma)*

David A. Raley - application for executive clemency (N. Dist. of California)

State of Kansas v. Gavin Scott, Kansas State Habeas [Civil/60-1507]

Jimmy Dean Harris v. Marty Sirmons, Warden, CIV-08-375F (W. Dist. of OK)*

Elwood Jackson v. Workman, Warden, CIV-08-763-C (W. Dist. of OK)*

Sherman Lamont Fields v. United States of America, Civil No. W-09-CA-009, Criminal No. W-01-CR-164 (N. Dist. of TX)

In the matter of Donald Wackerly, II, 10-6804 (U. S. Supreme Court)

Curriculum Vitae

Page 3

*(CJA case)

Other Notable Cases

United States of America v . Hollis Earl Roberts (former Chief of the Choctaw Nation) (1995-1996)

The Tobacco Wars Litigation (assisting Dr. Jeffrey Wigand, the whistleblower on Brown and Williamson Tobacco Company) (1996)

The Election of William Jefferson Clinton (researching family history and investigating rumors) (1992)

The Impeachment of Carroll Fisher, Oklahoma State Insurance Commissioner, on behalf of the Special Counsel to the Oklahoma House of Representatives (2004)

Recent and current attorneys worked with:

Robert D. Bacon, Esq., Oakland, CA
Burck Bailey, Esq., Oklahoma City, OK
James E. Boren, Esq., Baton Rouge, LA
Clark O. Brewster, Esq., Tulsa, OK
Francis R. Courbois, Esq., Oklahoma City, OK
J. W. Coyle, III, Esq., Oklahoma City, OK
James A. Drummond, Esq., Norman, OK
Jeff Ellis, Esq., Seattle, WA
Chris Eulberg, Esq., Oklahoma City, OK
Jack Fisher, Esq., Oklahoma City, OK
Garvin A. Isaacs, Esq., Oklahoma City, OK
Peter J. Isajiw, Esq., New York City, NY
David E. Kenner, Esq., Encino, CA
Mack Martin, Esq., Oklahoma City, OK
Greg McCracken, Esq., Oklahoma City, OK
Rob Nigh, Jr., Esq., Tulsa, OK
J. David Ogle, Esq., Oklahoma City, OK
Susan Otto, Federal Defender for the Western District of Oklahoma
Rob Owen, Esq., Austin, TX
Howard Pincus, Esq., Denver, CO
Cheryl A. Ramsey, Esq., Stillwater, OK
Chad Richardson, Esq., Muskogee, OK
Douglas G. Robinson, Esq., Washington, D.C.

Curriculum Vitae

Page 4

Jared Tyler, Esq., Houston, TX
Josh Welch, Esq., Oklahoma City, OK
John E. Wright, Esq., Huntsville, TX

Federal Court Litigation (not already listed)

Recent cases where testimony provided:

USA v. Timothy Kinchion, CR-02-106-T (W. Dist. of OK)*
USA v. Christopher Ward, CR-03-92-T (W. Dist. of OK)*
USA v. James Ralph Berrick, CR-03-76-C (W. Dist. of OK)*
USA v. Brian Spencer, CR-01-181-M (W. Dist. of OK)*

Recent investigations:

USA v. Gregory Hunt, CR-01-61-C (W. Dist. of OK)
USA v. Randolph Adrian Jackson, CR-03-70-T. (W. Dist. of OK)*
USA v. Clifford M. Brown, CR-03-242-T (W. Dist. of OK)
USA v. Rueben Latrell Wabaunasee, CR-03-41-M (W. Dist. of OK)*
USA v. Virgil Earl Nelson, CR-03-006-M (W. Dist. of OK)*
USA v. Paul Mony Woody, CR-03-257-C (W. Dist. of OK)
USA v. Drossos J. Tiliakos, CR-04-115-HE (W. Dist. of OK)
USA v. Bradley Frost, CR-05-001-HDC (N. Dist. of OK)
USA v. Paul Summers, CR-05-091-TCK (N. Dist. of OK)*
USA v. Gene Stipe, 2003dr00128 (Dist. of Columbia)
USA v. Joshua Mark Knowles, CR-07-304 (W. Dist. of OK)
USA v. Ben Wesley Milner, CR-09-045-RAW (E. Dist. of OK)
USA v. Gian Jaqueuse Douglas, CR-09-0115-HE (W. Dist. of OK)*
USA v. Derrick Jones, CR-10-61-F (W. Dist. of OK)*
USA v. Baquir Hajadari, 10-CR-38-CVE (N. Dist. of OK)
USA v. Quaylan Malieck Jeffers, 10-cr-116 (W. Dist. of OK)*

* (CJA case)

State Court Litigation (not already listed)

Recent matters where testimony provided:

State of Louisiana v. Danny Lee, 99-151291 and 140004

Curriculum Vitae

Page 5

Recent investigations:

State of Oklahoma v. John David Bryson, CRF 82-5031 (Oklahoma County)+
State of Oklahoma v. Ricardo Vega, Jr., CF 02-3943 (Tulsa County)
State of Oklahoma v. Trevor John Mitchell, CF 97-53 (Latimer County)+
State of Oklahoma v. Bobby Otto Powers, CF 03-4259 (Oklahoma County)
State of Oklahoma v. John Baxter Hamilton, CF 01-1147 (Oklahoma County)+
State of Oklahoma v. Stephen McCloy, CF 99-5624 (Oklahoma County)
State of Oklahoma v. Rebecca Milam, CF 03-554 (Oklahoma County)
State of Oklahoma v. David Garrett, CF 03-432 (Muskogee County)
State of Oklahoma v. Eric Growcock, CF 03-5663 (Tulsa County)
State of Oklahoma v. Delvin Raymond Nelson, CF 02-4669 (Oklahoma County)
State of Oklahoma v. James Rollyn Clark, CF 05-503 (Oklahoma County)
State of Oklahoma v. Norvell Noahubi, CF 05-106 (Pittsburg County)
State of Oklahoma v. Roger Lewis, CF 05-152 (Stephens County)
State of Oklahoma v. Roy Robert Westbrook, CF 05-195 (Osage County)
State of Oklahoma v. Donald D. Thompson, CF 05-16 (Creek County)
State of Oklahoma v. Jan Jay Rigney, CF 06-533 (Rogers County)
State of Oklahoma v. Ramiro Orlando Jaquez Rodriguez, CF 05-318 (Creek Cty.)
State of Oklahoma v. Teona Dawn Morris, B-CF 06-140 (Creek County)
State of Oklahoma v. Kelvin Jay Bennett, CF 06-1017 (Oklahoma County)
State of Oklahoma v. Tina Marie Schalk, CF 06-808 (Payne County)
State of Oklahoma v. Robert Brian Boeckman, CF 07-309 (Tulsa County)
State of Oklahoma v. Larry Jason Morris, CF 07-3018 (Tulsa County)
State of Oklahoma v. Claude Stanley Fontenot, CF 06-3870 (Oklahoma County)
State of Oklahoma v. Donald Jeffrey Regas, CF 05-3251 (Oklahoma County)
State of Oklahoma v. John Special, CM 06-868 (Delaware County)
State of Oklahoma v. Olayinka Osifeso, CF 07-6566 (Tulsa County)
State of Oklahoma v. Curtis Thomas Been, CF 07-858 (Muskogee County)
State of Oklahoma v. Richard Loy Gray, Jr., CF 07-28 (Cherokee County)
State of Oklahoma v. Kenneth Wayne Caulder, CF 08-005 (Kingfisher County)
State of Oklahoma v. Phillip Norman (CF 08-4634 (Tulsa County)
State of Oklahoma v. Susan Rollans Pryor, CF 08-691 (Tulsa County)
State of Oklahoma v. Russell Monger, CF 07-218 (Creek County)
State of Oklahoma v. Jory Allen Jacques, CF 05-6845 (Oklahoma County)
State of Oklahoma v. Daniel L. Thomas, CF 08-1571 (Tulsa County)
State of Oklahoma v. Angela Sellers, CF 08-4973 (Tulsa County)
State of Oklahoma v. Casey Hart, CF 08-5868 (Tulsa County)
State of Oklahoma v. Scott Wilson, CF 08-2883 (Tulsa County)
State of Oklahoma v. Anthony Fermo, CF 09-258 (Tulsa County)
State of Oklahoma v. Jamie Dickson, CF 09-1884 (Tulsa County)

Curriculum Vitae

Page 6

State of Oklahoma v. Leroy Dean Dennis, CF 91-994 (Oklahoma County)+
State of Oklahoma v. Jeffrey Ariel Porras, CF 08-358 (Cleveland County)
State of Oklahoma v. Joshua James Vaughn, CF 09-779 (Tulsa County)
State of Oklahoma v. Gary Lee Johnson, CF 10-2405 (Tulsa County)
State of Oklahoma v. Stephen Cole Ritter, CF 08-154 and CF 09-16 (Hughes Cty.)
State of Oklahoma v. Clinton Potts, CF 07-1058 (Muskogee County)+
State of Oklahoma v. Daniel Morrall, CF 08-5183 (Tulsa County)

+ (post conviction)

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

ANTHONY CASTILLO SANCHEZ,)	
)	
Petitioner,)	
)	
v.)	No. CIV-10-1171-HE
)	
RANDALL WORKMAN, Warden,)	
Oklahoma State Penitentiary,)	
)	
Respondent.)	

**ORDER GRANTING MOTION FOR THE APPOINTMENT OF AN
INVESTIGATOR**

For good cause shown, the Court grants Petitioner's Motion for the Appointment of an Investigator. Petitioner is hereby authorized to hire an investigator at the rate of seventy dollars (\$70.00) per hour for up to one hundred (100) hours of investigative services.

Entered this _____ day of June, 2011.

DISTRICT JUDGE